
Appeal Decision

Site visit made on 26 July 2017

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2017

Appeal Ref: APP/R5510/W/17/3173198

3 Pembroke Road, Ruislip HA4 8JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jim Pelton of Castle Homes (London) Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 64711/APP/2016/1793, dated 11 May 2016, was refused by notice dated 23 January 2017.
 - The development proposed is described as "Retention of roof form, Insertion of velux windows and conversion of roof space to create a 2 bedroom apartment."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was originally submitted with the description above. Amended plans were submitted on 19 December 2016 to reduce the proposed unit to a one bedroom unit and to remove 2 rooflights from the front roofslope and 2 rooflights from the crown roof. The Council subsequently determined the application using the amended plans, although the description on the decision notice referred to the 2 front rooflights which had been removed from the application. It should be noted that there are 3 further roof lightwells to the crown roof which were not included in the Council's description. I have taken the amended plans including the 3 lightwells on the crown roof into account when making my decision.

Main Issues

3. The main issues in this appeal are:
 - the adequacy of living conditions for future occupiers of the proposed unit in respect of internal space, daylight and outlook; and
 - whether the proposal would preserve or enhance the character or appearance of the Ruislip Village Conservation Area.

Reasons

Living Conditions

4. The existing building has a steep roof with two hipped roofed wings protruding slightly further forward into the street scene than the central section of the building. The building was purpose built as a development of 8 flats, with

ground floor external amenity space to the east of the building. The current top floor within the roof has 3 flats served by a central stairwell with 2 existing rooflights.

5. The proposed development would continue the stairwell up further into the roof to provide access to a further flat. The 6 proposed rear rooflights would serve the stairwell rather than the flat itself. The proposed 2 person one bedroom flat would comprise a living area, a kitchen area, a bathroom and bedroom with an overall floorspace of 57m². The living area and bedroom would each be served by 2 rooflights and a lightwell, while the kitchen area would be served by a further lightwell. The bathroom would not have any fenestration. Additional external amenity space is proposed to the north of the existing external amenity space at ground floor level.
6. Policy 3.5 of the London Plan (2016) addresses the quality and design of new housing in London, requiring the highest quality both internally and externally. This policy is supported by Table 3.3 which sets out minimum space standards for new dwellings. In the case of a 2 person one bedroom flat, the minimum overall floorspace requirement is 50m². The appeal proposal is compliant with this requirement.
7. Footnote 3 of Table 3.3 confirms that the Nationally Described Space Standard sets a minimum ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling, which the proposed dwelling would meet. However, this footnote also states that in order to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.
8. While the proposed development does not meet the 2.5m requirement, providing instead approximately 65% of its gross internal area at 2.488m, the proposed development exceeds the overall gross internal floor area required by 7m² and is close to the overall requirement for ceiling heights. Furthermore, the proposed development does not lie within an area of very high density development. In this instance, I do not consider that the proposed development would provide inappropriate internal space with regard to floorspace and ceiling heights.
9. Turning to the fenestration serving the proposed flat, the appellant has provided a daylight study which indicates that the habitable rooms of the proposed flat would receive levels of daylight exceeding the minimum acceptable values for the relevant rooms set out in the 2011 Building Research Establishment Report 'Site layout planning for daylight and sunlight - A guide to good practice.' I have no reason to doubt the findings of this study and consider that the proposed flat would receive sufficient daylight compliant with the Mayor of London's adopted Housing Supplementary Planning Guidance (2016).
10. The Council has also raised the issue of outlook from the proposed flat. The 4 rooflights proposed to serve the bedroom and living area would provide the main fenestration to the proposed unit. The 2 rooflights serving the proposed bedroom would face the rear of 157-159 High Street, while the 2 rooflights serving the proposed living area would face Pembroke House, situated approximately 8m from the appeal site. At a comparable height to the appeal

scheme though set slightly further back from the street, the southern and western elevations of the third floor of Pembroke House are fully glazed. In order to avoid potential overlooking, the proposed rooflights to the bedroom and living area would be at high level, allowing potential occupiers only very limited outlook. As the rooflights would be angled upwards within the roof, the only outlook would be of the sky, rather than rooftops. Future occupiers would not be afforded a degree of outlook that one could reasonably expect from a third floor self-contained flat with a normal vertical window arrangement. The appellant considers that the outlook provided by the proposed flat would be satisfactory. I disagree with this assertion. I also consider that the use of a condition to ensure the rooflights would be obscure-glazed and non-opening as proposed by the Council would only worsen the living conditions of any future occupiers of the proposed flat.

11. Concluding on this main issue, while I accept that the floorspace and ceiling heights of the proposed flat would be acceptable and that the proposed unit would receive suitable levels of daylight, I conclude that the positioning of the proposed rooflights would result in poor outlook for future occupiers. This would cause substantial harm to living conditions. I consider that the harm I have identified in relation to outlook is sufficient in itself to render the appeal scheme unacceptable.
12. I have taken into account the concerns raised locally about a range of issues, including parking, noise and disturbance to neighbouring occupiers, and legal matters, however they have not led me to any different conclusions.
13. The proposed development would therefore be contrary to policy 3.5 of the London Plan. This policy is consistent with the National Planning Policy Framework (the Framework) which seeks in Paragraph 17, amongst other things, to secure a good standard of amenity for all existing and future occupants of land and buildings; and in Section 6 to deliver a wide choice of high quality homes. Policy BE19 of the Hillingdon Local Plan - Saved UDP Policies (2012) is provided in the Council's decision notice, but does not appear to be directly relevant to this appeal.

Conservation Area

14. The appeal property lies within the Ruislip Village Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
15. Furthermore, by virtue of its statutory designation, the conservation area is a heritage asset of great importance and I must therefore give weight to its conservation, in accordance with paragraph 132 of the Framework.
16. Ruislip's High Street forms the commercial centre for the area. Its appearance is one of a traditional high street, comprising two and three-storey parades of early 20th century shops. A number of the buildings have mansard roofs with dormer windows of different designs. The appeal property lies to the rear of 157-159 High Street on the corner of the High Street and Pembroke Road. It is a large two-storey building with an additional floor of accommodation in the mansard roof. It is a modern insertion in the conservation area, but its design is entirely respectful of its setting.

17. Regarding the proposed additional rooflights on the side roofslopes and the proposed lightwells to the crown roof, these would be barely visible in views from Pembroke Road and the rear of the High Street given the angle and orientation of the roofslopes and the proximity of neighbouring buildings. As a result, the very limited views that would be obtained would be of a glimpsed nature only.
18. However, the proposed development includes 6 rooflights positioned in a row on the top part of the mansard roof above the 2 existing rooflights. These rooflights would be visible from Brickwall Lane and from the rear of properties along the High Street. The Ruislip Village Conservation Area Appraisal (2010) raises concerns about the level of visual clutter to rear elevations of the shops in Character Area 2, within which the shops and this building are situated. Given the 6 existing dormers and 2 existing rooflights on the rear roof of the appeal site, I consider that 6 further rooflights would cause additional visual clutter. They would not therefore preserve or enhance the character and appearance of the conservation area.
19. The harm identified would amount to “less than substantial harm” which the Framework advises must be weighed against the public benefits of the scheme. I note the appellant’s comments with regard to the provision of an additional residential unit. However, the provision of one further residential unit suitable for no more than two people would make only a small contribution to the local housing stock. I therefore attribute only limited weight to the public benefits of the proposal. This would be insufficient to outweigh the harm identified. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR